

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEREMY LOYD GRAY,

Plaintiff,

v.

CORRECTIONAL OFFICER KENNEDY, *et al.*,

Defendants.

Case No. C05-5697FDB

REPORT AND
RECOMMENDATION

**NOTED FOR:
May 26, 2006**

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. On February 13, 2006, the court entered an Order requiring plaintiff to submit service documents including copies of the complaint. (Dkt. # 13). In response, Plaintiff sent a letter reiterating the allegations in the complaint and asking for legal help. By Order dated March 21, 2006, the court granted an extension of time to plaintiff until April 21, 2006 to provide service documents. (Dkt. # 15). Plaintiff has not complied.

Plaintiff was specifically informed that failure to provide the documents would result in a report and recommendation that this action be dismissed without prejudice for failure to prosecute. (Dkt. # 13 and Dkt. # 15). As plaintiff has not complied with the court's order, the court now recommends this action be **DISMISSED WITHOUT PREJUDICE**. A proposed order accompanies this Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report and Recommendation to file written objections.

1 *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes
2 of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b),
3 the clerk is directed to set the matter for consideration on **May 26, 2006**, as noted in the caption.

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5 DATED this 4th day of May, 2006.

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8 Karen L. Strombom
9 United States Magistrate Judge
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